

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff/Respondent,)	
)	
v.)	Case No. 09-CR-043-SPF
)	
LINDSEY KENT SPRINGER,)	
)	
Defendant/Movant.)	

ORDER

Doc. Nos. 540, 551

Defendant Lindsey Kent Springer’s Motion to Return Property, brought under Rule 41(g), Fed. R. Crim. P., is before the court. Doc. no. 540. The government has responded by objecting to Mr. Springer’s motion, and the government has also filed its own motion, doc. no. 549, asking the court to take steps to assist in the return of Mr. Springer’s property.

Mr. Springer’s motion is brought under Rule 41(g), which applies “to a person aggrieved by an unlawful search and seizure of property or by the deprivation of property.” Mr. Springer argues that the search and seizure in question was unlawful, that Rule 41(b) is unconstitutional, and that his home was not within the exclusive territorial jurisdiction of the United States.

The search and seizure have previously been determined to be lawful. Doc. no. 100. And Mr. Springer’s constitutional and jurisdictional arguments are frivolous.

The United States advises the court in its response brief that it wants to return Mr. Springer’s property, to the extent the property is not contraband. By its own

motion at doc. no. 549, as to which the briefing has not yet concluded, the United States seeks the court's assistance to that end.


Finally, the court notes that, within his papers, Mr. Springer asks that the court return \$2,000 to him. His motion, at doc. no. 540, p. 10 of 27, refers to Mr. Springer's contention that there was a "theft" of this money, which Mr. Springer litigated in Springer v. Horn, et al., CIV-06-156. Judgment was entered against Mr. Springer and in favor of the defendants in that action. CIV-06-156, doc. no. 206. Mr. Springer's appeal was dismissed. CIV-06-156, doc. no. 221 (Tenth Circuit Order). Moreover, the United States has filed a response brief indicating that all money seized from Mr. Springer, consisting of \$17,000 in currency, was previously returned to Mr. Springer. The government has submitted an "Internal Revenue Service Release of Claim," verified by Mr. Springer, showing that the \$17,000 was returned to Mr. Springer. Doc. no. 548-2, p. 4 of 5. The government has also submitted a "Release and Receipt of Property" form signed by Mr. Springer, acknowledging receipt of \$17,000 from the IRS. Doc. no. 548-2, p. 5 of 5. No basis has been shown by Mr. Springer for the return of \$2,000.

Mr. Springer's motion asks the court for the following relief. "Movant request [sic] this Court issue an order pursuant to FRCr.P. 41(g) finding (1) Shern was not a federal law enforcement officer... (2) Judge McCarthy was not authorized to issue a search warrant to Shern on September 15, 2005.... (3) FRCrP Rule 41(b) is unconstitutional and as applied; (4) Movant's home was not within the exclusive territorial jurisdiction of the district; and (5) all property taken must be returned to the Movant, including all copies, not yet returned, and the \$2,000.00. Movant requests an evidentiary hearing." Doc. no. 540, p. 25.

Mr. Springer has not shown grounds for the type of relief he requests in doc. no. 540, and his motion is **DENIED**.

Mr. Springer has filed a related motion entitled “Motion for Rule 41(i) Papers.” Doc. no. 551. No response has yet been filed to that motion, but no response is necessary in order for the court to rule. Mr. Springer asks the court to provide papers “delivered to the clerk by Magistrate McCarthy involving his September 15, 2005 search warrant at issue in Movant’s Rule 41(g) motion.” Mr. Springer states that “a dispute of fact exists regarding the property taken which movant needs to show the facts are in Movant’s favor.” The search warrant has previously been upheld, and Mr. Springer’s motion to return property has been denied. The motion at doc. no. 551 is **DENIED**.

Dated this 10th day of April, 2014.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE